



Resolution by the IAJLJ

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The IAJLJ calls for appropriate action to be taken by the competent UN organs following the statement publicly made by the Iranian President Mahmoud Ahmadinejad on 26 October 2005 that Israel should “be wiped off the map”.

It is noteworthy that the UN Security Council expressed its condemnation of these remarks through its President on 28 October in support of the statement issued by the UN Secretary-General Kofi Annan a day earlier. In expressing his dismay at these remarks of the Iranian President, the UN Secretary-General pointed to the violation thereby committed against Article 2 (4) of the UN Charter which he cited as constituting one of the core obligations of the purposes and principles of the United Nations binding on all member States, namely “to refrain...from the threat or use of force against the territorial integrity or political independence of any State.”

The repeated statements calling for the destruction of Israel made at the highest levels of the Iranian Government, have been recorded on several occasions. In this instance the Iranian Foreign Ministry unsuccessfully endeavoured by its communiqué of October 29, to place its President’s remarks in the context of Iranian belligerent policy against Israel in flagrant breach of Iran’s UN Charter obligations.

Iran has thus clearly manifested its rejection of the principle of the sovereign equality of all UN members. It refuses to recognise its parallel obligation to respect these key Charter provisions equally incumbent on all member States who are required to settle international disputes by peaceful means and to refrain from endangering international peace, security and justice.

Iran’s belligerent conduct and statements objection to which have been formally conveyed to Iranian Ambassadors in the capitals of several UN member States as a consequence of the Iranian President’s remarks, point the way for the UN to invoke appropriate measures under the UN Charter as a necessary response.

The Iranian President’s public call for the destruction of Israel constitutes in and of itself a punishable act pursuant to the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, to which Iran is a state party, defined in its Article III (c) as consisting of “direct and public incitement to commit genocide” committed by persons “whether they are constitutionally responsible rulers, public officials or private individuals” as specified in Article IV.

Further Iran is in breach of its obligation under Article 20 of the UN Covenant of Civil and Political Rights, according to which it is required to prohibit by law any propaganda for war and any advocacy of national or religious hatred that constitutes incitement to discrimination, hostility or violence.



הארגון הבינלאומי של עורכי-דין ומשפטנים יהודים
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Moreover, Iran as a State party to the Convention on the Elimination of All Forms of Racial Discrimination is bound under Article 4 *inter alia*, not to permit public authorities to promote or incite racial discrimination irrespective of whether based on grounds of race, colour or national or ethnic origin. A call made in public by the Head of State of Iran for another Member State of the UN namely Israel, to be wiped off the face of the earth, is clearly a fundamental breach of this elementary obligation. Iran's aspirations to acquire nuclear capability in this context gives rise to particular alarm and concern.

Since the advent to power of Ayattollah Khomeini in 1979, the repeated public advocacy of the destruction of Israel has become a central tenet of Iran's foreign policy and the leitmotif for the proxy war which it has been relentlessly conducting ever since against Israel, through surrogates such as Hizbollah and Islamic Jihad.

Accordingly the IAJLJ considers that the UN should formally request the Iranian Government to unequivocally repudiate the statement of the Iranian President of 26 October last, failing which the measures envisaged under Chapter VII including the application of appropriate sanctions contained in Article 41, should be envisaged.

Such measures would be without prejudice to consideration of the expulsion of Iran from the United Nations by the General Assembly on the recommendation of the Security Council under Article 6 of the UN Charter for having persistently violated its Principles.
